

Christopher L. Webley  
December 21, 2021

1

Page 1

1 IN THE UNITED STATES DISTRICT COURT

2 FOR Christopher L. Webley  
3 December 21, 2021 OF OREGON

4 EUGENE DIVISION

5 NICHOLAS JAMES MCGUFFIN, as an )  
6 individual and as guardian ad )  
7 litem, on behalf of S.M., a ) Civil No.  
8 minor, ) 6:20-cv-01163-MK  
9 )  
10 Plaintiffs, ) VIDEOCONFERENCE  
11 ) DEPOSITION  
12 v. )  
13 )  
14 MARK DANNELS, PAT DOWNING, )  
15 SUSAN HORMANN, MARY KRINGS, )  
16 KRIS KARCHER, SHELLY MCINNES, )  
17 RAYMOND MCNEELY, KIP OSWALD, )  
18 MICHAEL REAVES, JOHN RIDDLE, )  
19 SEAN SANBORN, ERIC )  
20 SCHWENNINGER, RICHARD WALTER, )  
21 CHRIS WEBLEY, ANTHONY WETMORE, )  
22 KATHY WILCOX, CRAIG ZANNI, )  
23 DAVID ZAVALA, ESTATE OF DAVE )  
24 HALL, VIDOCQ SOCIETY, CITY OF )  
25 COQUILLE, CITY OF COOS BAY, )  
COOS COUNTY, and OREGON STATE )  
POLICE, )  
Defendants. )

18 )

19 )

20 )

DEPOSITION UPON ORAL EXAMINATION

21 )

OF CHRISTOPHER L. WEBLEY

22 )

23 )

24 )

U.S. LEGAL SUPPORT, INC  
713-653-7100

25 )

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Christopher L. Webley  
December 21, 2021

2 to 5

Page 2		Page 3
1 BE IT REMEMBERED THAT, pursuant to the Oregon Rules of		1 APPEARANCES
2 Civil Procedure, the deposition of CHRISTOPHER L. WEBLEY, an		2 ON BEHALF OF THE PLAINTIFFS:
3 adverse-party witness, was taken remotely via videoconference	Christopher L. Webley	3 Andrew C. Lauersdorf, OSB #980739
4 on behalf of the Plaintiffs, before JEAN M. KOSTNER, a	December 21, 2021	4 Janis C. Puracal, OSB #132288
5 Certified Court Reporter for Oregon, on Tuesday, the 21st day		5 MALONEY LAUERSDORF, REINER, PC
6 of December, 2021, at the hour of 9:00 a.m., in the State of		6 1111 East Burnside Street, Suite 300
7 Oregon.		7 Portland, Oregon 97214
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		23
		24
		25
Page 4		Page 5
1 ALSO PRESENT:		1 INDEX OF TESTIMONY
2 Nick McGuffin		2
3		3 WITNESS
4 REPORTED BY:		4 CHRISTOPHER L. WEBLEY
5 Jean M. Kostner, CSR #90-0051		5 Examination by Mr. Lauersdorf . . . . . 7
6 Subcontractor for:		6
7 US LEGAL SUPPORT		7
8		8
9		9
10		10
11		11
12		12
13		13
14		14
15		15 REQUESTS FOR INFORMATION
16		16
17		17 Information Requested by Mr. Lauersdorf: PAGE LINE
18		18 Officer Webley's police reports 18 16
19		19 he reviewed
20		20 Timelines over the 15 months prior to January 25th, 2010, what investigation occurred into Ms. Freeman's death 92 2
21		21
22 U.S. LEGAL SUPPORT, INC		
23 713-653-7100		
24		24
25		25

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Exhibit 57, Page 2 of 6

Christopher L. Webley  
December 21, 2021

6 to 9

		INDEX OF EXHIBITS	Page 6		Page 7
1	2				
3	DEPOSITION				
4	EXHIBIT NO.	DESCRIPTION	Christopher L. Webley December 21, 2021		
5	1	Dannels Press Conference, 01/25/10 (5 pages)	89	1 22	ABC News Video - What Happened to Leah Freeman, Part 1
6	2	Coquille Police Department Incident Report, No. Q20001905, 02/06/10 Webley, Hamilton, et al. (7 pages)	92	3 24	ABC News Video - What Happened to Leah Freeman, Part 2
7	3	Coquille Police Department Supplemental Report, No. Q20001905, 03/02/10 Webley, March 2010 Interviews (11 pages)	108	4 25	ABC News Video - What Happened to Leah Freeman, Part 3
8	4	Coquille Police Department Supplemental Report, No. Q20001905, 07/24/10 Webley, Bartley, et al. (6 pages)	133	5 26	Frasier, Things to Do, 05/12/10 (8 pages)
9	5	Coos County Sheriff's Office Incident Narrative, No. 20-10627, 07/11/00, Downing, Hartwell (17 pages)	149	6 27	ABC News Video - What Happened to Leah Freeman, Part 4
10	6	Alicia Hartwell Grand Jury Subpoena, 07/21/10	152	7 28	ABC News Video - What Happened to Leah Freeman, Part 5
11	7	Alicia Hyatt Grand Jury Testimony 07/21/10 (10 pages)	153	8 29	
12	8	Alicia Hartwell Grand Jury Subpoena, 08/11/10	155	9 30	
13	9	Alicia Hyatt Grand Jury Testimony, 08/11/10 (7 pages)	155	10 31	
14	11	Lead Sheet, 08/2000	126	11 32	
15	12	Coquille Police Department Incident Report, No. Q20001905, 06/24/11, Webley, Mitchell, et al. (3 pages)	162	12 33	
16	16	Handwritten Note	133	13 34	
17			25	14 35	
18				15 36	
19				16 37	
20				17 38	
21				18 39	
22				19 40	
23				20 41	
24				21 42	
25				22 43	
				23 44	
				24 45	
				25 46	
				26 47	
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				285 306	
				286 307	
				287 308	

Christopher L. Webley  
December 21, 2021

46 to 49

Page 46	Page 47
<p>1        A. I believe -- I believe it was digital. I don't 2 recall ever turning in film.</p> <p>3        Q. Okay. And how about at some point did they start 4 providing you with video cameras?</p> <p>5        A. We had a dash- -- dashcam, so --</p> <p>6        Q. Okay.</p> <p>7        A. -- the video would take place from the car. So 8 whatever the car was looking at would be recorded on video.</p> <p>9        Q. Okay. What about if you wanted to videotape a 10 witness interview? Was that equipment available?</p> <p>11       A. If it was, I don't believe I ever used it. I don't 12 think I ever videotaped an interview. Not that I recall.</p> <p>13       Q. Okay. Do you know if anyone at Coquille PD ever 14 videotaped witness interviews?</p> <p>15       A. I don't know. Not that I know of.</p> <p>16       Q. Okay. Do you recall if the Coquille Police 17 Department had any written policies or procedures on 18 documenting crime scenes?</p> <p>19       A. No. I -- I don't remember specific policies, no.</p> <p>20       Q. Okay. Well, during the time you were with Coquille 21 PD, did they provide you with any in-house training on 22 collecting and preserving evidence?</p> <p>23       A. Again, it's not that I wasn't trained in it, but, 24 no, I don't recall any, like, as you say, in-house. We 25 established what that means. No, there was not a formal -- I</p>	<p>1 don't recall any.</p> <p>2        Q. Did they have written policies or procedures on 3 collecting or preserving evidence?</p> <p>4        A. I'm sure that we did. I wouldn't be able to quote 5 them to you. I knew the flow of what I would do.</p> <p>6        Q. Did they provide you any training on what are 7 commonly referred to as "Brady obligations"? Do you know what 8 I mean when I use the phrase "Brady obligations"?</p> <p>9        A. I've heard the term. I'm vaguely familiar with 10 what Brady is. I don't recall any training on it, no.</p> <p>11       Q. Okay. And what is your understanding of what Brady 12 is?</p> <p>13       A. I've heard the "Brady list." I know that if an 14 officer is found to be untruthful that I believe it's the 15 district attorney that makes that determination, and there 16 becomes an issue with their work, and they can't testify 17 because somewhere they were found to be untruthful or -- it 18 could be a career-ender if --</p> <p>19       Q. But has anybody ever explained to you why there's a 20 Brady list?</p> <p>21       A. Other than what I just told you, I understand why 22 it would be. If an officer were untruthful, that would be 23 problematic. That makes sense to me.</p> <p>24       Q. How about -- did they provide you with any in-house 25 training on protecting a suspect's constitutional rights?</p>
<p>1        A. In-house training, no.</p> <p>2        Q. Okay. What's your understanding of your 3 obligations as a law enforcement officer to avoid violating an 4 accused's constitutional rights?</p> <p>5        A. It's a constitutional right. You don't want to 6 violate them.</p> <p>7        Q. Okay. And where did you -- have you ever received 8 any training on that?</p> <p>9        A. I'm sure I have. It may not --</p> <p>10       Q. Do you recall when?</p> <p>11       A. No. I'm sure at DPSST we went through such things.</p> <p>12       Q. Okay. Do you recall anything specifically about 13 being trained on that?</p> <p>14       A. I mean, we -- for instance, Miranda rights, that 15 would be the right to remain silent. But can I quote to you on 16 this day, this training, we went over constitutional rights?</p> <p>17       No, sir, I can't.</p> <p>18       Q. Okay. Did Coquille PD have any written policies or 19 procedures on reporting known or suspected violations of 20 constitutional rights by other officers or officials?</p> <p>21       A. I'm sure it was in policy somewhere. I mean, if 22 there were an issue, something that was, as you say, 23 "constitutional rights," if you observed an officer do that, 24 you would have a duty to report that. Yes, I understand that.</p> <p>25       Q. Did Coquille Police Department provide you any</p>	<p>1        in-house training on using deception or misinformation as an 2 investigative tool in criminal investigations?</p> <p>3        A. Again, no. None.</p> <p>4        Q. What is your understanding of when it's okay for a 5 police officer to lie to a witness?</p> <p>6        A. Oh, that gets tricky. You -- you can. You 7 absolutely can lie to a witness. You -- the most common form 8 is to infer that you know more than you do. That could be -- 9 yeah, that's dishonest. You don't really know it, but you 10 pretend like you do. You pretend like you've talked to people. 11 It's not my favorite tactic, but it can be used, yes.</p> <p>12       Q. What about suggesting -- something like suggesting 13 to a witness that something happened that didn't actually 14 happen or there isn't evidence of?</p> <p>15       A. You could.</p> <p>16       Q. Would that cause any -- how would you then control 17 for credibility issues or the reliability of the information 18 that you obtained that way?</p> <p>19       A. I'm trying to follow you here. I'm sorry, sir. So 20 you're suggesting to a suspect or a witness or whoever you're 21 interviewing -- you're suggesting that something happened, but 22 you don't know if it really did or not, so you're acting like 23 this actually happened and presenting it like that. Am I 24 understanding you correctly?</p> <p>25       Q. Yeah. So let's say you're -- just an example, a</p>

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Exhibit 57, Page 4 of 6

Christopher L. Webley  
December 21, 2021

146 to 149

<p style="text-align: right;">Page 146</p> <p>1 of different cars?</p> <p>2 A. No.</p> <p>3 Q. And asking them for ID?</p> <p>4 A. (No response.)</p> <p>5 Q. So the photo that she picked out, was it actually</p> <p>6 McGuffin's car, or was it a stock photo of a similar Mustang?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know when the photo -- the photo that she</p> <p>9 picked out, do you know when it was taken?</p> <p>10 A. I do not.</p> <p>11 Q. Do you know where it was taken?</p> <p>12 A. I do not.</p> <p>13 Q. Do you know in what lighting it was taken or from</p> <p>14 what angle or perspective?</p> <p>15 A. No.</p> <p>16 Q. Okay. You report there "as a possible"</p> <p>17 identification." Why did you report it "as a possible"</p> <p>18 identification"?</p> <p>19 MS. HENDERSON: I'll object to form as calling for</p> <p>20 speculation, since the witness has no memory of this.</p> <p>21 But you can answer.</p> <p>22 A. Yeah, it is speculation, but if I wrote "possible,"</p> <p>23 again, you talked about credibility and addressing that. If</p> <p>24 she wasn't absolutely certain, then I'm not -- then I could see</p> <p>25 me writing it. If she was, like, "I think that it's this,"</p>	<p style="text-align: right;">Page 147</p> <p>1 then I would have wrote "as a possible identification."</p> <p>2 BY MR. LAUERSDORF:</p> <p>3 Q. Okay. Do you recall anything like that happening?</p> <p>4 A. No.</p> <p>5 Q. Do you know how you selected the photos that you</p> <p>6 showed her?</p> <p>7 A. No.</p> <p>8 Q. Do you know what year, make, model, size, or color</p> <p>9 the vehicles were in the other photos that you showed to</p> <p>10 Hartwell?</p> <p>11 A. No.</p> <p>12 Q. Do you recall if you showed her individual photos</p> <p>13 or multiple photos in a single sheet?</p> <p>14 A. Do not recall.</p> <p>15 Q. Do you recall what instructions you gave her before</p> <p>16 you started showing her the photos?</p> <p>17 A. I do not.</p> <p>18 Q. So, in other words, did you -- how were you trained</p> <p>19 to do a photo throw-down by the Coquille Police Department?</p> <p>20 A. The times where an official -- that you call a</p> <p>21 throw-down might be different than a photo lineup.</p> <p>22 Q. Okay. Just in my office we called it a -- we</p> <p>23 called it a throw-down. What would you --</p> <p>24 A. If we were going to do a lineup of people, then my</p> <p>25 memory is we would use, like, six. A lot of times we could get</p>
<p style="text-align: right;">Page 148</p> <p>1 those photos from, like -- back then you could get them off,</p> <p>2 like, jail rosters or something. Obviously there's not -- or</p> <p>3 cars, I don't know where I would have got them. It could have</p> <p>4 been off of the internet or something. I just don't know. I</p> <p>5 don't remember.</p> <p>6 Q. Okay. But going back to the question, were you</p> <p>7 ever trained by Coquille Police Department on how to conduct a</p> <p>8 photo array lineup, a throw-down, a show-up, whatever it was</p> <p>9 called?</p> <p>10 A. I don't recall formal training, no.</p> <p>11 Q. Okay. Did you give any -- do you recall if you</p> <p>12 gave Ms. Hyatt any admonitions, like telling her that the</p> <p>13 vehicle might not be among the vehicles you were showing her?</p> <p>14 A. I don't recall. And you said "Ms. Hyatt." Is that</p> <p>15 the same as Hartwell?</p> <p>16 Q. Oh, yeah. That was her married name at the time.</p> <p>17 A. Okay. Just making sure that we're not talking</p> <p>18 about somebody else. Like -- like I said, I don't remember</p> <p>19 this.</p> <p>20 Q. Do you recall who showed Hartwell the photos?</p> <p>21 A. No, I do not.</p> <p>22 Q. Do you recall who was in the room when they were</p> <p>23 shown to her?</p> <p>24 A. No, I do not.</p> <p>25 Q. Did you keep a copy or an index of the photos that</p>	<p style="text-align: right;">Page 149</p> <p>1 you showed to her?</p> <p>2 A. I do not know.</p> <p>3 Q. Were the photos saved anywhere afterwards?</p> <p>4 A. I don't know.</p> <p>5 Q. Because there's no photos attached to this report,</p> <p>6 and there's no photo array in any of the documents that have</p> <p>7 been produced to us. So do you know where those documents that</p> <p>8 you showed her would have gone?</p> <p>9 A. I do not.</p> <p>10 Q. Do you know whether or not this photo array was</p> <p>11 produced to Mr. McGuffin for use as evidence at trial?</p> <p>12 A. I do not.</p> <p>13 Q. Do you know whether or not this photo array was</p> <p>14 produced to the DA's office?</p> <p>15 A. I do not.</p> <p>16 Q. Do you know where the photos are now?</p> <p>17 A. I do not.</p> <p>18 Q. And I was going to ask you the question about the</p> <p>19 Hartwell/Hyatt thing and ask you if you knew why you referred</p> <p>20 to her as "Hartwell" in your report, when she had identified</p> <p>21 herself by her married name "Hyatt" when she was in grand jury</p> <p>22 just a couple of hours before this interview.</p> <p>23 A. No, I don't -- I didn't even know -- I thought they</p> <p>24 were two different people when you said that, so I don't recall</p> <p>25 it.</p>

Christopher L. Webley  
December 21, 2021

210 to 211

Page 210	Page 211
1 take a copy, please.	1 STATE OF OREGON ) 2 ) ss. C E R T I F I C A T E 3 County of Douglas ) 4 5
2 MR. DAVIS: This is Mr. Davis. No questions here,	6 I, JEAN M. KOSTNER, Certified Shorthand Reporter for the
3 but we would like a copy also. Thank you.	7 state of Oregon, do hereby certify that:
4 MR. LAUERSDORF: Okay. I think that's everyone, so	8 Pursuant to stipulation of counsel for the respective
5 we'll go ahead and go off the record.	9 parties, hereinbefore set forth, CHRISTOPHER L. WEBLEY,
6	10 appeared remotely before me via Zoom videoconference at the
7 (WHEREUPON, the deposition ended at the hour	11 time and place set forth in the caption hereof;
8 of 3:55 p.m.)	12 That, at said time and place, I reported in stenotype
9	13 all testimony adduced and oral proceedings had in the foregoing
10 -oo-	14 matter, to the best of my ability;
11	15 That, thereafter, my notes were reduced to typewriting,
12	16 and that the foregoing transcript, pages 1 through 210, both
13	17 inclusive, constitutes a full, true, and correct transcript of
14	18 all such testimony adduced and oral proceedings had and of the
15	19 whole thereof.
16	20 IN WITNESS WHEREOF, I have hereunto set my hand and CSR
17	21 stamp this 10th day of January, 2022, in the City of Roseburg,
18	22 County of Douglas, State of Oregon.
19	23
20	24 JEAN M. KOSTNER Certified Court Reporter CSR No. 90-0051
21	25
22	
23	
24	
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Exhibit 57, Page 6 of 6